

## **Chapter 3**

### **Article 7**

#### **Personnel Identification Cards**

##### **31070.9 Retired Peace Officer Concealed Weapons Endorsement**

*Effective 3/24/2008*

It is the policy of the California Department of Corrections and Rehabilitation (CDCR) to allow honorably retired peace officers, who meet the training requirement in Penal Code (PC) § 832, the privilege to carry a concealed weapon unless the privilege is denied or revoked by the agency from which they retired. PC § 12027 requires the identification (ID) card of honorably retired peace officers who have applied for and been approved to carry a concealed weapon include a "Carry a Concealed Weapon (CCW) Approved" endorsement.

It is the intent of the CDCR that all retiring peace officers who request a CCW endorsement and have not been excluded receive their retired ID cards with "CCW Approved" on the last day of their employment.

##### **31070.9.1 Purpose**

The purpose of this policy is to provide authorization for the issuance of retired peace officer ID cards with the endorsement authorizing permission to carry a concealed weapon, and to provide an evaluation process to preclude or remove that CCW authorization from those retired peace officers who cannot lawfully or responsibly exercise a concealed weapon privilege.

##### **31070.9.2 CCW Endorsement Authority**

Approving authority for issuing the initial ID cards and CCW endorsements to peace officers retiring from CDCR is delegated to the retiree's hiring authority, i.e., Wardens, Regional Parole Administrators (RPA), Deputy Director (DD), or Associate Directors (AD). The aforementioned hiring authorities shall use the direction in this policy and good judgment to make the approval decisions.

The authority to approve the renewal of previously approved CCW endorsements for all retired peace officers whose histories are clear of any disqualifying factors is delegated solely to the Captain, Emergency Operations Unit (EOU). The EOU has authority to disapprove the renewal or revoke a previously approved CCW endorsement for any retired peace officer whose criminal, medical, or mental histories reflect any disqualifying factors.

### **31070.9.3 Initial Endorsement Procedures**

Employees wishing to receive a CCW endorsement on their retired peace officer ID card shall submit the following documents to the Institutional Personnel Officer (IPO), Regional Parole Personnel Liaison (RPPL), or the Chief, Personnel Services Section (PSS) for headquarters employees, 60-180 days prior to their retirement date:

- CDCR Form 894-A, Personnel Identification Card Information.
- CDCR Form 1051, Request to Carry a Concealed Firearm and Questionnaire.
- CDCR Form 1052, Endorsement to Carry Concealed or Loaded Firearm.
- CDCR Form 1053, Authorization to Release Medical, Surgical, Psychiatric Care & Treatment Information.
- CDCR Form 1054, Office of Internal Affairs, CCW Clearance Report.
- CDCR Form 2164 Live Scan Response Form.
- OPOS Form 8016, Request for Live Scan Service.
  - Live Scan fingerprints must be taken for all retirees requesting a CCW.
  - The OPOS Form 8016 shall have “Retired Peace Officer” entered on the “Job Title” line.
  - The “Your Number” line shall have the institution’s or unit’s initials and date entered (i.e. PBSP 6-15-07 or Reg. II 6-15-07).
  - The Live Scan operator will select the Option “Retired Peace Officer.”
  - The Live Scan operator will type “Retired Peace Officer” as the classification.
  - The OPOS Form 8016 form must be faxed to the Office of Peace Officer Selection (OPOS).
  - At least the DOJ and FBI responses must be received back prior to approving and issuing the CCW endorsement.
  - When “clear” responses are received, they shall be recorded on the DOJ/FBI Employee Response form and then shredded.
  - Arrest/Criminal History (Rap sheet) responses shall be recorded, kept and included in the application package for review by the Warden.
  - Contact the OPOS to check on delayed (DOJ/FBI/Firearms) responses.

#### **31070.9.3.1 Approval/Denial**

When notified that a retiring peace officer employee has requested a CCW endorsement, the IPO, RPPL, or Chief of PSS (for headquarters employees) shall review the employee’s official personnel file (OPF) for institution, parole, and headquarters employees. The IPO or RPPL, using the CDCR Form 1053, shall review the employee’s Return-to-Work Coordinator (RTWC)/Health and Safety for Workers’ Compensation case file for institution and parole employees. The PSS shall ask the Office of Risk Management to review the employee’s RTWC/Health and Safety for Workers’ Compensation case file, and report any factors/considerations to the PSS. The review of the OPF for parole employees will be coordinated by the RPPL with the Office of Personnel Management. Each of these reviews will determine if there are any of the following disqualifying factors/considerations:

- Subsequent arrest notifications indicate the employee has a disqualifying conviction or charge pending litigation.
- The employee is retiring in lieu of termination (PC § 12027(a)(1)(A) and, or “DISHONORABLY RETIRED”), whether or not the CDCR chooses to take punitive action.
- For violating any departmental rule, or state or federal law, that if violated by an officer on active duty, would result in that officer’s arrest, suspension, or removal from the agency. PC § 12027.1(a)(1)(B)(2).
- The employee’s privilege to possess a firearm or to carry a concealed weapon pursuant to PC § 830.5(c) has been revoked or is currently revoked.
- The employee is under investigation for an offense that, if the charges were sustained, could result in an active employee’s arrest, suspension, or dismissal from the CDCR (PC § 12027(a)(2)) (i.e., misdemeanor violations listed in PC § 12021 and violent offenses listed in PC § 12021.1).
- The employee is retiring because of:
  - (1) Employee has a psychological disability (PC § 12027.1(e)).
  - (2) Employee has been found to have a psychological disability in the adjudication of a worker’s compensation claim.
  - (3) Employee has a psychological condition indicated in any other document.

[Note: parts 2 and 3 are “factors” to be considered on a case-by-case basis, depending on extent and recentness of the condition.]

The IPO/RPPL/PSS shall complete CDCR Form 1052, Endorsement to Carry Concealed or Loaded Firearm for submission to the hiring authority.

The IPO/RPPL/PSS shall fax the CDCR Form 1054 to the Special Agent-In-Charge (SAIC) at the Office of Internal Affairs (OIA). The OIA shall determine if the employee is currently under investigation for a prohibiting offense. The OIA shall document the information on the CDCR Form 1054 and fax it back to the IPO/RPPL/PSS within two working days of receipt. If the response is “Not Clear”, the OIA shall be contacted for information on which to base the approval or denial.

The IPO/RPPL/PSS shall submit the completed CDCR Forms 1051, 1052, 1053, 1054, 2164, 894-A and OPOS Form 8016 to the hiring authority for review. The package must also include all other documents upon which the decision will be made. For example, if it is a disability retirement, the PERS letter describing the medical decision would be necessary. The hiring authority will review the entire package and determine if the CCW endorsement is to be issued. A CCW endorsement is to be issued on the day of retirement unless the employee has any of the listed disqualifying factors, or if two Live Scan responses are still pending and the request was submitted less than 60 days prior to retirement. [If responses have not been received within 60 days, the Live Scan submission process should be investigated for the problem. The EOU or OPOS may be contacted for assistance.] The hiring authority can also show ‘good cause’ to deny the CCW endorsement for reasons not outlined above, such as acts of violence or conduct which jeopardized the safety of the public, staff, or inmates. The hiring authority shall sign the CDCR Form 1052 and approve or disapprove the application.

If the CCW endorsement is approved, the IPO/RPPL/PSS shall:

- Issue the CDCR Retired ID card with the "CCW Approved" endorsement and the notation "CCW Approved Expires: *date*" (five years from date of issue) to the retiring employee. Write the ID number and expiration date on the CDCR Form 894-A.
- Forward the entire application package to the EOU. The EOU shall review the package for quality control and add the retiree's name and information to the departmental CCW database.

If the CCW endorsement is denied, the hiring authority shall notify the employee in writing of the specific reason for denial and advise him/her of the appeal process, including the 15-day response time. The hiring authority will include a copy of the letter of denial, along with any supporting documentation upon which the decision was based, in the complete package and forward it to the EOU.

An employee who has been denied may appeal in writing within 15 days following the receipt of the notice denying/revoking an endorsement to carry a concealed weapon. The appeal shall be directed to the supervisory level above the authority of the level issuing the denial. The appeal shall describe the reason(s) the decision to deny the endorsement should be reversed.

The employee shall be notified in writing of the supervisory decision. If the supervisory decision sustains the CCW endorsement denial, the letter shall state the reason(s) and also outline the process for the retiree to request a Good Cause Hearing (GCH) (unless a GCH is precluded by PC) and shall include the 15-day response time (PC12027.1 (a)(3)). A copy of the notice shall be provided to the EOU. If requested, the EOU will convene a GCH review board pursuant to PC 12027.1(d). Only "HONORABLY RETIRED" peace officers are entitled to a GCH per PC 12027(a)(1)(A).

#### **31070.9.4 Other Requests for CCW Endorsements**

A retiree, who did not request a CCW endorsement at retirement and decides to obtain one later, may submit a request for a new retired ID card to the hiring authority who last supervised them. The retiree shall obtain, complete, and submit the same forms as listed in the previous section, including Live Scan fingerprints. The approval process shall be the same as outlined above; except that, all three responses (DOJ/FBI/Firearms) to the fingerprint check must be received back and reviewed prior to the CCW endorsement being approved or denied by the hiring authority. Upon approval or denial, the policy shall be followed as stated in the previous section.

#### **31070.9.5 Renewal of Endorsement**

Retirees requesting renewal of a CCW endorsement are to obtain, complete, and submit the forms listed below to the EOU at 60-180 days prior to the expiration date on their current ID card. A retiree may request renewal forms at any CDCR personnel office

(institutions, parole regional headquarters, and CDCR headquarters) regardless of the hiring authority. That personnel office shall be responsible to obtain a current photo, process the CDCR Form 894-A, and send the entire package to EOU for processing and approval. Live Scan fingerprints are only required as described below.

- CDCR Form 894-A.
- CDCR Form 1051.
- CDCR Form 1052
- CDCR Form 1053.
- OPOS Form 8016.
  - Live Scan fingerprints are required only once from each retiree.
  - If they were correctly submitted for the initial CCW, they are no longer required.
  - Call or e-mail the OPOS to verify the retiree's name in their database.
  - If the retiree is not in the database, Live Scan must be submitted for the renewal.
  - Enter "*inst. - date*" on the "Your Number" line.
  - The OPOS Form 8016 must be faxed to the OPOS by the Live Scan operator or retiree.
  - At least the DOJ and FBI responses must be received back prior to forwarding the renewal package to the EOU.
- CDCR Form 2164 is included only if Live Scan is required.

The EOU shall review the documents. The renewal application shall be approved, unless there is good cause to deny/revoke for reasons outlined in Approval/Denial section of this policy. If the application is to be approved, the Captain, EOU, shall sign the CDCR Form 1052, and fax it to the location where the retiree will be issued a new CCW endorsed retired ID card, with an expiration date five years from date of issue to the retiree. That expiration date and the ID number shall be written on the CDCR Form 1052 by Personnel and faxed back to the EOU for entry into the database.

If, for administrative or procedural purposes, an extension of the privilege to carry a concealed firearm is necessary, the Captain, EOU, may authorize an extension of up to 90 days.

#### **31070.9.5.1 Denial of a Request for Renewal or Revocation of Authorization to Carry a Concealed Weapon**

If the CCW renewal application is denied, the same procedure as outlined in Approval/Denial section above shall be followed.

If the CDCR receives a subsequent arrest notification from DOJ that reflects that a retiree with a CCW endorsement or a retiree requesting renewal of a CCW endorsement has been arrested or convicted of a prohibiting offense, the report is to be referred to the EOU. The EOU shall determine if the CCW endorsement is to be revoked or the renewal denied.

If the CCW endorsement is to be denied or revoked, the EOU shall notify the retiree in writing of the action and advise him/her of the appeal process. The EOU shall inform the

retiree that the card is no longer valid and direct the retiree to immediately surrender their CCW endorsement ID card to a CDCR facility, where they shall have a new retired ID card issued without the CCW endorsement. If the retiree refuses to surrender the ID card, the CDCR will retrieve the revoked ID card.

A retiree who has been denied may appeal in writing following the same procedure and time constraints delineated in this policy for the denial of an initial application. During the appeals process, the CCW endorsement is NOT valid.

### **31070.9.6 Firearms Qualifications**

Every honorably retired correctional peace officer who has been issued a CCW endorsement shall qualify annually with the concealed firearm, beginning in the calendar year of the date of issue. Those correctional peace officers listed in PC 830.2(d)(1) and (2) shall be exempt from this requirement pursuant to PC 12027.

### **31070.10 Revisions**

The Deputy Director, Human Resources, or designee shall be responsible for ensuring that the contents of this section are kept current and accurate.

### **31070.11 References**

CCR (15) (3) §§ 3291 and 3414.  
PC §§ 12027, 12027.1 and 12031.  
DOM §§ 31040, 31060, 33010, and 55050.